

FIRST REGULAR SESSION

HOUSE BILL NO. 44

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BURNETT.

0042H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 578.012, RSMo, and to enact in lieu thereof two new sections relating to animal abuse, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 578.012, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 578.012 and 589.750, to read as follows:

578.012. 1. A person commits the offense of animal abuse if he or she:

(1) Intentionally or purposely kills an animal in any manner not allowed by or expressly exempted from the provisions of sections 578.005 to 578.023 and 273.030;

(2) Purposely or intentionally causes injury or suffering to an animal; or

(3) Having ownership or custody of an animal knowingly fails to provide adequate care which results in substantial harm to the animal.

2. Animal abuse is a class ~~[A misdemeanor]~~ **E felony**, unless the defendant has previously been found guilty of animal abuse or the suffering involved in subdivision (2) of subsection 1 of this section is the result of torture or mutilation consciously inflicted while the animal was alive, in which case it is a class ~~[E]~~ **D felony**.

589.750. 1. The provisions of this section shall be known and may be cited as the “Missouri Animal Abuser Registration Act”.

2. As used in this section, the following terms shall mean:

(1) “Abuser” or “animal abuser”, a person who has been convicted in this state of committing an animal abuse offense;

(2) “Animal”, a companion animal not including livestock or wildlife;

(3) “Animal abuse offense”:

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

- 8 (a) **Animal abuse under section 578.012;**
9 (b) **Dogfighting under section 578.025 if the person’s act constitutes a felony;**
10 (c) **Bullbaiting or cockfighting under section 578.050; or**
11 (d) **Sex with an animal under section 566.111;**
12 (4) **“Companion animal”, any live dog of the species *Canis familiaris* or live cat of**
13 **the species *Felis catus*;**
14 (5) **“Conviction”, a judgment entered by a Missouri court upon a plea of guilty, a**
15 **plea of nolo contendere, or a finding of guilt by a jury or the court, notwithstanding any**
16 **pending appeal or habeas corpus proceeding arising from the judgment.**
- 17 3. **Beginning January 1, 2019, the Missouri state highway patrol shall post a**
18 **publicly accessible list on its website of any person convicted of an animal abuse offense**
19 **on or after such date. The list shall include a photograph taken of each convicted animal**
20 **abuser as part of the booking process, the animal abuser’s full legal name, and other**
21 **identifying data as the highway patrol determines is necessary to properly identify the**
22 **animal abuser and to exclude innocent persons. The list shall not include the animal**
23 **abuser’s Social Security number, driver’s license number, or any other state or federal**
24 **identification number.**
- 25 4. **All circuit court clerks shall forward a copy of the judgment and date of birth**
26 **of all persons convicted of an animal abuse offense to the Missouri state highway patrol**
27 **within sixty calendar days of the date of judgment.**
- 28 5. **Upon a person’s first conviction for an animal abuse offense, the Missouri state**
29 **highway patrol shall maintain the person’s name and other identifying information on the**
30 **list under subsection 3 of this section for two years following the date of conviction, after**
31 **which time the highway patrol shall remove the person’s name and identifying information**
32 **from the list; provided that, the person is not convicted of another animal abuse offense**
33 **during such two-year period.**
- 34 6. **Upon a person’s second or subsequent conviction for an animal abuse offense,**
35 **the Missouri state highway patrol shall maintain the person’s name and other identifying**
36 **information on the list under subsection 3 of this section for five years following the date**
37 **of the most recent conviction, after which time the highway patrol shall remove the**
38 **person’s name and identifying information from the list; provided that, the person is not**
39 **convicted of another animal abuse offense during such five-year period.**
- 40 7. **The Missouri state highway patrol shall remove the person’s name and**
41 **identifying information from the registry list if the sole offense for which the person is**
42 **required to be subject to the provisions of this section is expunged.**

43 **8. The Missouri state highway patrol may promulgate rules and regulations to**
44 **implement the provisions of this section. Any rule or portion of a rule, as that term is**
45 **defined in section 536.010, that is created under the authority delegated in this section shall**
46 **become effective only if it complies with and is subject to all of the provisions of chapter**
47 **536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and**
48 **if any of the powers vested with the general assembly pursuant to chapter 536 to review,**
49 **to delay the effective date, or to disapprove and annul a rule are subsequently held**
50 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**
51 **after August 28, 2019, shall be invalid and void.**

✓